



Cochise County
Community Development
Planning, Zoning and Building Safety Division
Public Programs...Personal Service
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MEMORANDUM

TO: Cochise County Board of Supervisors
FROM: Peter Gardner, Planner I
FOR: Paul Esparza AICP, Planning Director
SUBJECT: Docket Z-16-03 (Oldfield)
DATE: September 30, 2016 for the October 11, 2016 Meeting

APPLICATION FOR A REZONING

The Applicant is requesting a rezoning from R-36 (Residential; one dwelling per 36,000 square feet) to RU-4 (Rural; one dwelling per 4 acres). The subject parcels are 10.51 acres in size. The request is to facilitate the use of the Owner-Builder Opt-Out Amendment.

The subject parcels, APN 101-36-045, -046, -048A, & -049, are located on at 5288 N. Lead Stra, east of Bisbee. The Applicants are Daniel & Jo Oldfield.

PLANNING AND ZONING COMMISSION

On Wednesday, September 14, 2016, the Planning and Zoning Commission voted 6-0 to forward this Docket to the Board of Supervisors with a recommendation of approval. The motion included the conditions of approval recommended by staff. No objections were received from any member of the public, therefore the Board does not need to hold a public hearing.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 10.51 acres
Current Zoning: R-36 (Residential; one dwelling per 36,000 square feet)
Proposed Zoning: RU-4 (Rural; one dwelling per 4 acres)
Growth Area: D – Rural Area
Plan Designation: Rural
Area Plan: None
Existing Uses: Single Family Rural Residential
Proposed Uses: Same

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	R-36	Vacant
South	RU-4	Vacant
East	R-36	Vacant
West	RU-4	State Land

Planning, Zoning and Building Safety

1415 Melody Lane, Building E
Bisbee, Arizona 85603
520-432-9300
520-432-9278 fax
1-877-777-7958
planningandzoning@cochise.az.gov

Highway and Floodplain

1415 Melody Lane, Building F
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520-432-9300
520-432-9337 fax
1-800-752-3745
highway@cochise.az.gov
floodplain@cochise.az.gov

II. PARCEL HISTORY

1925 – Barn built

1960 – Easy Acres Subdivision Platted

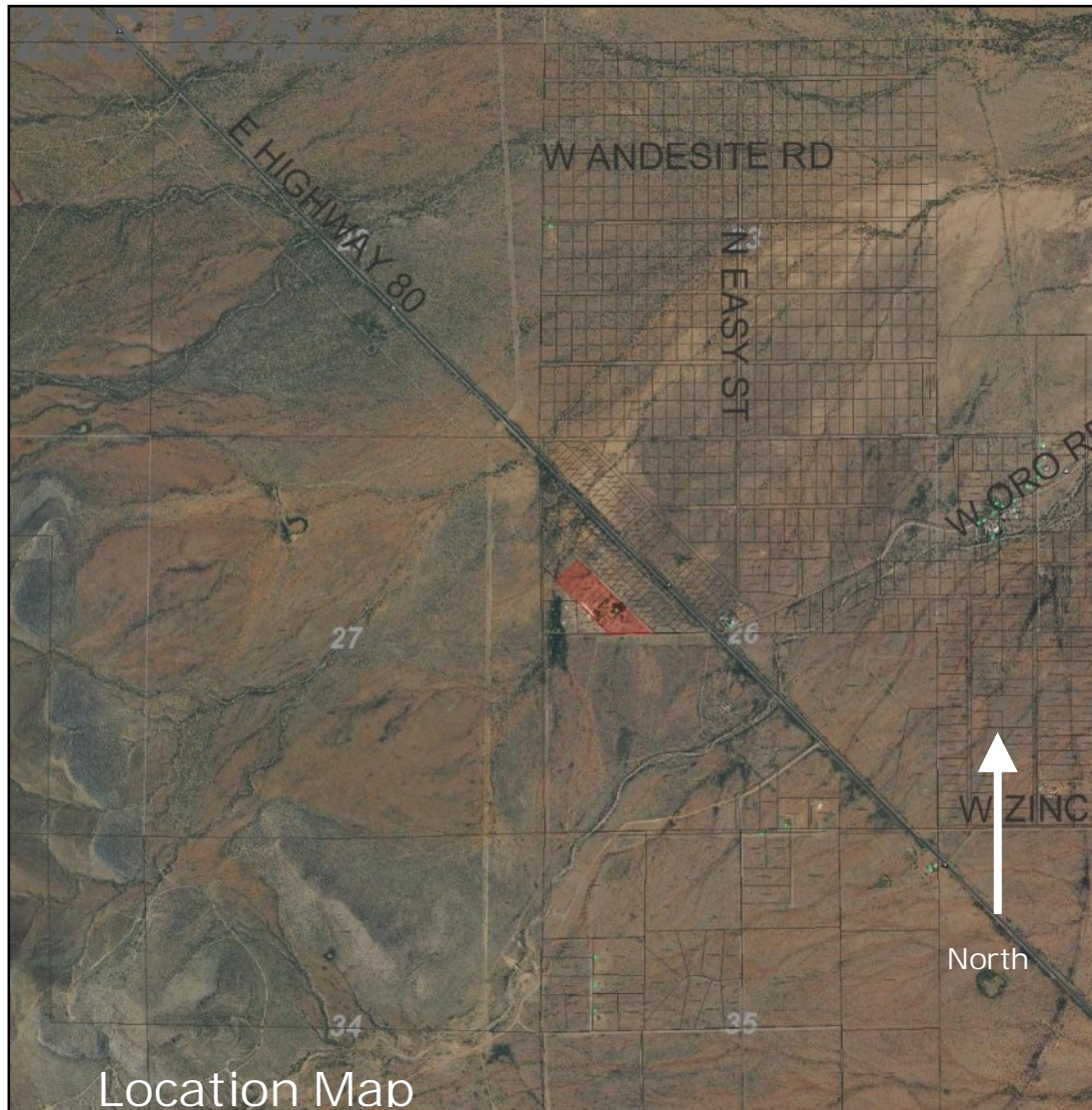
1965 – Single Family Residence, Septic System, and Accessory Buildings Built

2015 – Permit for additional Septic System Issued

III. NATURE OF REQUEST

The Applicants are requesting to amend the zoning of their five contiguous lots in the Easy Acres Subdivision from R-36 to RU-4. This will permit the use of the Owner-Builder Opt Out Amendment to the Cochise County Building Code.

The Easy Acres Subdivision was platted in 1960, 15 years prior to the adoption of Zoning in 1975. Lot sizes in the subdivision vary from 20,000 square feet to two acres, and all of the lots in the subdivision were zoned R-36. Since the subdivision was platted, a total of 14 homes have been built spread over hundreds of lots, indicating a rural type of development. The subject lots are among the largest in the subdivision, and the applicants own five lots, as well as the 120 acres to the south that is not part of the subdivision. The proposed Rural zoning would be more appropriate for the actual pattern of development.





A view of the existing home



A view of the accessory buildings



A view of Oro Road leading to the site



A view of the driveway



A view to the south

IV. ANALYSIS OF IMPACTS

Mandatory Compliance

Section 2208.03 of the Zoning Regulations requires that the amendment of Zoning District boundaries take place in compliance with the Comprehensive or Area Plan Designation assigned to the area in question. In this case, the subject property lies within a Category "D" Rural Area and is considered a "Rural" area per the Comprehensive Plan. RU-4 zoning is permitted in the Category "D," "Rural" areas and is the default zoning for the majority of the County, so this request to rezone to RU-4 complies with the Comprehensive Plan as detailed below.

Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides fifteen criteria used to evaluate rezoning requests. Nine of the criteria are applicable to this request, and all of the nine applicable factors are met.

1. Provides an Adequate Land Use/Concept Plan: Not Applicable

The Applicants intend to continue to use the parcel for their personal, residential use. The proposal is intended to facilitate standard, rural home site development, but the parcel would be eligible for the full range of allowed Principal, Accessory, and Special Uses per Article 6 of the Zoning Regulations.

2. Compliance with Applicable Site Development Standards: Complies

As noted above, the 10.51-acre site is developed. Downzoning to RU-4 would not negatively impact the ability of the parcel to be further developed. The only site development standard that would become more stringent is the maximum density. The Applicants are aware of this, and have no plans to exceed the RU-4 density.

3. Adjacent Districts Remain Capable of Development: Complies

The proposal would not affect the development prospects of any neighboring property.

4. Limitation on Creation of Nonconforming Uses: Complies

If approved, the rezoning would not create any non-conforming land uses.

5. Compatibility with Existing Development: Complies

There is precedent for RU-4 zoning and Rural Residential development in the immediate area; there is currently RU-4 zoning adjacent to the parcel, and all nearby development fits a similar Rural Residential pattern.

6. Rezoning to More Intense Districts: Not Applicable

As indicated, this request is for a downzoning, which in this case would reduce the permitted density by a factor of six.

7. Adequate Services and Infrastructure: Complies

The parcel and the existing road network all support the necessary infrastructure to develop the parcel under the guidelines for the RU-4 zoning designation. As the density is decreasing by a factor of six, the existing infrastructure that was designed to support the R-36 density will support the RU-4.

8. Traffic Circulation Criteria: Complies

This rezoning request will not alter the layout or function of the existing roadway network and will not require right-of-way dedication or off-site improvements. Rezoning from R-36 to RU-4 would decrease the permitted density, with a corresponding decrease in potential traffic.

9. Development Along Major Streets: Not Applicable

This parcel does not take access off a Major roadway and is not served by roads within the County Maintenance system.

10. Infill: Not Applicable

This Factor applies only for rezoning requests to General Business, Light Industry or Heavy Industry.

11. Unique Topographic Features: Not Applicable

As this request is for a downzoning, this factor does not apply.

12. Water Conservation: Complies

As this proposed downzoning would reduce permitted maximum density, potential water usage could decrease.

13. Public Input: Complies

As a downzoning, the Applicant was not required to complete a Citizen Review. Staff mailed notices to neighboring property owners within 1,500 ft. of the subject property on August 9, 2016. Staff posted the property on August 29, 2016 and published a legal notice in the *Bisbee Observer* on August 25, 2016. Three responses in support were received.

14. Hazardous Materials: Not Applicable

No hazardous materials are proposed.

15. Compliance with Area Plan: Complies

The subject property lies within a Category "D"– Rural Area and is considered a "Rural" area per the Comprehensive Plan. This designation is intended to create neighborhoods with lots of two-acres or more. This request would comply by creating a minimum lot size of four-acres per dwelling.

V. PUBLIC COMMENT

In response to County mailings, the Planning Department has received three responses in support.

VI. SUMMARY AND CONCLUSION

The rezoning request is for a rezoning, from R-36 (Residential; one dwelling per 36,000 ft, to RU-4 (Rural; one dwelling per four acres) on a 10.51-acre parcel located on N. Lead Stravenue approximately 900 feet west of Highway 80. At this time, the area is characterized by open expanses, with all current development occurring on a Rural scale. The Comprehensive Plan designates the site as Rural. This designation constitutes a recommendation on the part of the Plan for a rezoning to a lower-density zoning district, providing a major Factor in Favor of Approval. A rezoning to the RU-4 district would therefore reflect the policies of the Plan, and would better reflect the existing character of the surrounding neighborhood.

Factors in Favor of Approval

1. Allowing the request would be in keeping with the character of the existing development in the area;
2. The Comprehensive Plan policies prescribe a low density of residential development in this area to protect the current character of the neighborhood, and the request would facilitate such a density; and
3. Three letters of support have been received.

Factors Against Approval

None

VII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends Approving the request for a rezoning, from R-36 (Residential; one dwelling per 36,000 ft) to RU-4 (Rural; one dwelling per four acres) on a 10.51-acre parcel located on N. Lead Stravenue approximately 900 feet west of Highway 80, subject to the following Conditions:

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning; and
2. It is the Applicants' responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations.

VIII. ATTACHMENTS

- A. Application
- B. Location Map
- C. Agency Comment Memos